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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/627,002	07/25/2003	Michael Gabriel	12510/20	3720

26646 7590 08/21/2006

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EXAMINER	
BELIVEAU, SCOTT E	
ART UNIT	**PAPER NUMBER**
2623	

DATE MAILED: 08/21/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/627,002	GABRIEL ET AL.	
	Examiner	Art Unit	
	Scott Beliveau	2623	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *08 August 2006*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-35* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-35* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☒ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *25 July 2003* is/are: a)☐ accepted or b)☒ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date *7/12/04 + 8/80/06*.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

Information Disclosure Statement

1. The information disclosure statement (IDS) submitted on 12 July 2004 had been previously considered by the examiner, however, the examiner forgot to place his initials by the first reference. The examiner apologizes for any inconvenience and encloses a properly initialed version.

2. The information disclosure statement (IDS) submitted on 08 August 2006 was filed after the mailing date of the Non-Final Rejection on 03 April 2006. The submission is in compliance with the provisions of 37 CFR 1.97. Accordingly, the information disclosure statement is being considered by the examiner.

Drawings

3. Applicant's response notes that replacement drawings have been attached, however the response received by the Office does not appear to have the replacement sheets attached. Accordingly, the drawings remain objected to as failing to comply with 37 CFR 1.84(p)(5) because they do not include the following reference sign(s) "525" mentioned in the description (Page 11, Line 25). Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are

not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Response to Arguments

4. Applicant's arguments with respect to claims 1-35 have been considered but are moot in view of the new ground(s) of rejection.

Regarding applicant's arguments that the Horiwitz et al. reference fails to teach or suggest the particular usage of at least one of a name of an actor and a name of a director in association with filtering, the examiner respectfully disagrees as noted in the cited portions of the reference set forth in the subsequent rejection.

Claim Rejections - 35 USC § 102

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

6. Claims 1-5, 12-14, 16, 17, 21, 24, 25, and 33-35 are rejected under 35 U.S.C. 102(e) as being anticipated by Horiwitz et al. (US Pat No. 6,785,901).

In consideration of claim 1, the Horiwitz et al. reference discloses a "method to control access to content via a player system" (Figure 2) that is "accessible by a plurality of users"

associated with the household (Col 10, Lines 46-54). The method comprises "providing a default profile including at least one filtering criterion . . . describing at least one of a characteristic of content permitted for all of the plurality of users, wherein the filtering criterion includes at least one of a name of an actor" (Col 2, Lines 38-54; Col 9, Lines 19-21; Col 10, Lines 55-62). The particular designation of what ratings/content to block also serves to designate which characteristics are allowed. The system subsequently "compares metadata with a selected content and the filtering criterion of the default profile, the metadata including information related to the selected content" such as the particular rating associated with the program whereupon the system "permits or denies access to the content based upon the comparison" (Col 11, Lines 1-63) resulting in the display of the content.

Claim 2 is rejected wherein "access to the selected content is permitted if the comparison indicates that the selected content meets the filtering criterion of the default profile". For example, if the default profile defines only TV-Y is acceptable, then programming with the rating can be viewed without a user needing to log into the system.

Claim 3 is rejected wherein the "content includes at least one of audio and video data" (Col 5, Lines 44-64).

Claim 4 is rejected wherein the "information of the meta data includes at least one of an MPAA rating [and] a content advisory (Col 7, Lines 18-30).

Claim 5 is rejected wherein the "filtering criterion includes at least one of an identification of acceptable ratings [and] identification of acceptable content advisories" (Col 7, Lines 18-30; Col 10, Lines 58-62).

Claim 12 is rejected wherein the method further "provides a user profile associated with a particular one of the plurality of users, the user profile including at least one filtering criterion describing at least one of . . . a characteristic of content prohibited from being accessed by the particular one of the users; comparing the filtering criterion of the user profile and the metadata; and permitting access to the selected content if the content meets the filtering criterion" (Figure 6; Col 10, Line 46 – Col 11, Line 63).

Claim 13 is rejected wherein the method further comprises "reverting back to the filtering criterion of the default profile in connection with accessing subsequent content" (Col 11, Lines 39-44).

Claim 14 is rejected wherein the method comprises "requiring the user to provide user information if the selected content does not meet the filtering criterion of the default profile" should the viewer desire to watch selected content which is not permitted by the default profile (Col 10, Lines 55-65).

Claim 16 is rejected wherein the "comparing step includes comparing the metadata and the filtering criterion of the default profile without requiring a user to provide user information" (Col 10, Lines 55-65).

Claim 17 is rejected in light of claim 1. Figures 1 and 2 of the Horiwitz et al. reference illustrate a "content player accessible to a plurality of users". The player comprises a "memory device" [22] for "storing a default profile including at least one filtering criterion . . . describing at least one of a characteristic of content permitted for all of the plurality of users, wherein the filtering criterion includes at least one of a name of an actor" (Col 2, Lines 38-54; Col 9, Lines 19-21; Col 10, Lines 55-62). The particular designation of what

ratings/content to block also serves to designate which characteristics are allowed. The "processor" [21] is "configured to compare metadata associated with a selected content and the filtering criterion of the default profile" (Col 11, Lines 1-53) whereupon the "processor [is] configured to permit or deny access to the content based upon the comparison" (Col 11, Lines 54-63) resulting in the display of the content as appropriate.

Claim 21 is rejected wherein the "processor" [21] "controls rendering of the content on a television" [204] and is "provided in a set-top box" (Col 5, Line 44 – Col 6, Line 11).

Claim 24 is rejected wherein the "processor is configured to manage the default profile and a plurality of user profiles . . . being associated with a respective one of the users" (Figure 6).

Claim 25 is rejected wherein the "filtering criterion includes at least one of an identification of acceptable ratings [and] identification of acceptable content advisories" (Col 7, Lines 18-30; Col 10, Lines 58-62).

Claim 33 is rejected wherein the Horiwitz et al. reference discloses a "method to control access to content stored on a memory device" such as a digital recording device (Col 5, Lines 47-55). The method comprises "selecting the content stored on the memory device, reading metadata associated with the content, comparing the metadata to at least one stored filtering criterion . . . describing a characteristic of at least one of permitted and prohibited content, wherein the filtering criterion includes at least one of a name of an actor. . . and permitting or denying rendering of the content based on the comparison wherein the filtering criterion includes at least one of a name of an actor" (Col 2, Lines 38-54; Col 9, Lines 19-21; Col 10, Lines 55-62; Col 11, Lines 1-63).

Claim 34 is rejected wherein the "metadata includes ratings information" (Col 7, Lines 18-30).

Claim 35 is rejected wherein Figures 1 and 2 of the Horiwitz et al. reference illustrate a "content player". The player comprises a "memory device" [22] "storing at least one filtering criterion describing a characteristic of at least one of permitted content and prohibit content" in association with the default profile content (Col 2, Lines 38-54; Col 10, Lines 55-62). The player further comprises a "processor" [21] that is "configured to compare at least one stored filtering criterion with metadata associated with selected content" and to "permit or deny rendering of the selected content based on the comparison, wherein the filtering criterion includes at least one of a name of an actor" (Col 9, Lines 19-21; Col 11, Lines 54-63) resulting in the display of the content as appropriate.

Claim Rejections - 35 USC § 103

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

8. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the

time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

9. Claims 1-3, 7, 8, 13, 16-18, and 24 are rejected under 35 U.S.C. 103(a) as being unpatentable over deCarmo (US Pat No. 6,760, 915) in view of Paek (US Pub No. 2003/0014751 A1).

In consideration of claim 1, the deCarmo reference discloses a "method to control access to content via a player system accessible by a plurality of users" (Figure 2). In particular, the reference discloses the particular usage of a ratings manager [210] that "compares metadata associated with a selected content and filtering criterion . . . [including at least one of a name of an actor and a name of a director]" (Col 9, Lines 31-34) whereupon it subsequently, "permits or den[ies] access to the content based on the comparison" (Figures 4-5; Col 7, Line 41 – Col 9, Col 38). While the reference suggests the usage of parental control defaults which specifies 'filtering criterion including at least one of a name of an actor and a mane of a director', the reference is unclear whether or not this is a 'default profile' as claimed.

In an analogous art pertaining to parental control systems, the Paek reference discloses a "method to control access to content via a player system" (Figure 1) that is "accessible by a plurality of users" including a parent and their children. The method comprises "providing a default profile including at least one filtering criterion . . . describing at least one of a characteristic of content permitted for all of the plurality of users" (Para. [0006]) that is subsequently utilized in association with permitting or denying access to the content based upon a comparison (Figures 2-3; Para. [0026] – [0037]. Accordingly, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify

deCarmo to "provide a default profile including at least one filtering criterion describing at least one of a characteristic of content permitted for all of the plurality of users and a characteristic of content prohibited for all of the plurality of users, wherein the filtering criterion includes at least one of a name of an actor and a name of a director" for the purpose of providing a robust parental control system that advantageously resets a viewing level to a default viewing level after reproducing a television in order to protect viewers from access to inappropriate content should the user forget to reset a viewing password (Paek: Para. [0007] – [0008]).

Claim 2 is rejected wherein the "access to the selected content is permitted if the comparison indicates that the selected content meets the filtering criterion of the default profile" (Paek: Para. [0030]).

Claim 3 is rejected wherein the "content includes at least one of audio and video data" (deCarmo: Col 4, Lines 36-53; Paek: Para. [0021]).

Claims 7 and 8 are rejected wherein the "selected content [is] provided on a removable medium" or "DVD" (deCarmo: Col 4, Lines 14-27; Paek: Para. [0017]).

Claim 13 is rejected wherein the method further comprises "reverting back to the filtering criterion of the default profile in connection with accessing subsequent content" (Paek: Para. [0038]).

Claim 16 is rejected wherein the "comparing step includes comparing the metadata and the filtering criterion of the default profile without requiring a user to provide user information" (Paek: Para. [0027]).

Claim 17 is rejected as previously discussed in claim 1. The deCarmo reference discloses a "content player accessible to a plurality of users" (Figure 2). In particular, the reference discloses the particular usage of a "processor" or ratings manager [210] "configured to compare metadata associated with the selected content and filtering criterion . . . [including at least one of a name of an actor and a name of a director]" (Col 9, Lines 31-34) whereupon it subsequently, "permits or den[ies] rendering of the selected content based on the comparison" (Figures 4-5; Col 7, Line 41 – Col 9, Col 38). While the reference suggests the usage of parental control defaults which specifies 'filtering criterion including at least one of a name of an actor and a mane of a director', the reference is unclear whether or not this is a 'default profile' as claimed.

In an analogous art pertaining to parental control systems, figure 1 of the Paek reference illustrates a "content player accessible to a plurality of users". The player comprises a "memory device" [113] that "stores a default profile . . . including at least one filtering criterion . . . describing at least one of a characteristic of content permitted for all of the plurality of users" (Para. [0006]) that is subsequently utilized in association with permitting or denying access to the content based upon a comparison (Figures 2-3; Para. [0026] – [0037] resulting in the display of the content appropriate for the lowest parental level or default level of content. Accordingly, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify deCarmo to comprise a "memory device storing a default profile including at least one filtering criterion, the filtering criterion of the default profile describing at least one of a characteristic of content permitted for all of the plurality of users and a characteristic of content prohibited for all of the plurality of users, wherein the

filtering criterion includes at least one of a name of an actor and a name of a director" for the purpose of providing a robust parental control system that advantageously resets a viewing level to a default viewing level after reproducing a television in order to protect viewers from access to inappropriate content should the user forget to reset a viewing password (Paek: Para. [0007] – [0008]).

Claim 18 is rejected wherein the "selected content [is] provided on a removable medium" such as a DVD (deCarmo: Col 4, Lines 14-27; Paek: Para. [0017]).

Claim 24 is rejected wherein the "processor is configured to manage the default profile and a plurality of user profiles, each of the user profiles being associated with a respective one of the users" (Paek: Para. [0028])

10. Claims 6 and 26 are rejected under 35 U.S.C. 103(a) as being unpatentable over Horiwitz et al. (US Pat No. 6,785,901) in view of alSafadi et al. (US Pub No. 2003/0088420 A1).

In consideration of claims 6 and 26, the Horiwitz et al. reference is silent with respect to the "metadata being coded in XML". In an analogous art pertaining to the field of content distribution, the alSafadi et al. reference discloses the particular distribution of EPG ratings information or "metadata being coded in XML" (Para. [0024] and [0043]). Accordingly, it would have been obvious to one having ordinary skill in the art at the time the invention was made so as to modify Horiwitz et al. such that the "metadata is coded in XML" for the purpose of providing a means that allows for different types of content from different sources to be configured in a standardized manner for efficient processing by different EPGs (alSafadi et al.: Para. [0002] – [0005]).

11. Claims 9-11, 19, 20, 22, 23, and 27-32 are rejected under 35 U.S.C. 103(a) as being unpatentable over Horiwitz et al. (US Pat No. 6,785,901) in view of Ozer et al. (US Pat No. 6,704,929).

In consideration of claim 9, as aforementioned, the Horiwitz et al. reference discloses the particular usage of "metadata associated with the selected content" in conjunction with ratings data derived from an electronic program guide (Figures 4 and 5; Col; 7, Line 17 – Col 8, Line 38). The reference teaches that when a user selects a particular channel that the system identifies the programming content (Col 11, Lines 54-56). The reference, however, is silent with respect to how the particularly tuned program is associated with its particularly associated metadata. In an analogous art pertaining to the field of video distribution systems, the Ozer et al. reference discloses a system and method for tracking viewing behavior of a home entertainment system. The reference teaches that viewer programming is monitored and that information such as that associated with ratings "metadata" as derived from the EPG is captured (Col 7, Line 53 – Col 8, Line 23; Col 11, Lines 16-28). The reference further incorporates by reference in its entirety US. Patent application No. 09/376,631 (now US Pat No. 6,708,335 – however, hereafter referred to as the Ozer et al. ('631) application) entitled "Tracking Viewing Behavior of Advertisements on a Home Entertainment System". The incorporated Ozer et al. ('631) application in conjunction with identifying programming and associated metadata including ratings, discloses that "metadata is associated with the selected content using a URL in connection with the selected content, and wherein the method further comprises obtaining the metadata using the URL" (Page 15, Line 1-23; Page 16, Line 22 – Page 17, Line 6; Page 17, Line 18 – Page 19, Line 10). Accordingly, it would have been

obvious to one having ordinary skill in the art at the time the invention was made so as to modify Horiwitz et al. such that the "metadata is associated with the selected content using a URL in connection with the selected content, and wherein the method further comprises obtaining the metadata using the URL" as taught by Ozer et al. for the purpose of providing a means so as to accurately measure television viewing behavior (Ozer et al.: Col 2, Lines 19-34).

Claims 10 and 11 are rejected wherein the method further comprises "obtaining the metadata using the pointer" wherein the "pointer to the metadata is encoded in a Vertical Blanking Interval of a signal of the selected content" and is a "URL" (Ozer et al. ('631): Page 15, Lines 9-12; Page 17, Line 18 – Page 19, Line 10).

Claims 19 and 20 are rejected wherein a "URL" or "pointer to the meta data is associated with the selected content" and "the processor is configured to obtain the metadata for comparison using the pointer" (Ozer et al. ('631): Page 15, Lines 9-12; Page 17, Line 18 – Page 19, Line 10).

Claims 22 and 23 are rejected wherein the "processor is configured to obtain a pointer" or "URL" which is "encoded in a vertical blanking interval of a signal encoded in a vertical blanking interval of a signal of the selected content" and wherein the "processor obtains the metadata for the comparison using the pointer" (Ozer et al. ('631): Page 15, Lines 9-12; Page 17, Line 18 – Page 19, Line 10).

Claim 27 is rejected wherein the Horiwitz et al. reference discloses a "method to control access to content via a player system" as previously set forth. In particular, the reference discloses "selecting content" whereupon the system "obtains . . . metadata" and "compares

the metadata and at least one filtering criterion . . . describing a characteristic of at least one of permitted content or prohibited content". The system subsequently, "permits or denies access to the selected content based on the comparison" (Col 2, Lines 38-54; Col 10, Lines 55-62; Col 11, Lines 1-63). The reference, however, is silent with respect to the particular usage of a "pointer" in association with the user tuning to a particular channel so as to link the selected program with the particularly received "metadata" associated with the program.

As aforementioned, in an analogous art pertaining to the field of video distribution systems, the Ozer et al. reference and its incorporated Ozer et al. ('631) application disclose a method wherein "selected content has metadata linked thereto via a pointer" and "obtaining the metadata using the pointer" (Ozer et al. ('631): Page 15, Lines 9-12; Page 17, Line 18 – Page 19, Line 10). Accordingly, it would have been obvious to one having ordinary skill in the art at the time the invention was made so as to modify Horiwitz et al. such that the "metadata is associated with the selected content using a URL in connection with the selected content, and wherein the method further comprises obtaining the metadata using the URL" as taught by Ozer et al. for the purpose of providing a means so as to accurately measure television viewing behavior (Ozer et al.: Col 2, Lines 19-34).

Claim 28 is rejected wherein the method comprises "extracting the pointer from the VBI" wherein the "pointer is embedded in a Vertical Blanking Interval (VBI) of a signal of the selected content" (Ozer et al. ('631): Page 15, Lines 9-12).

Claim 29 is rejected wherein the "pointer is a URL" and the "step of obtaining the metadata of the selected content includes obtaining the metadata over the Internet using the URL" (Ozer et al. ('631): Page 15, Lines 9-12; Page 17, Line 18 – Page 19, Line 10).

Claim 30 is rejected in light of the aforementioned rejection of claim 27. Figures 1 and 2 of Horiwitz et al. illustrate a "content player" such as a set-top box. The player comprises a "memory device" [22] for "storing at least one filtering criterion describing a characteristic of at least one of permitted content or prohibited content" (Col 2, Lines 38-54; Col 10, Lines 55-62). The "processor" [21] "compares the metadata to the filtering criterion" and subsequently, "permits or denies access to the selected content based on the comparison" (Col 2, Lines 38-54; Col 10, Lines 55-62; Col 11, Lines 1-63). The reference, however, is silent with respect to the particular usage of a "pointer" in association with the user tuning to a particular channel so as to link the selected program with the particularly received "metadata" associated with the program.

As aforementioned, in an analogous art pertaining to the field of video distribution systems, the Ozer et al. reference and its incorporated Ozer et al. ('631) application disclose a method wherein a "processor" is configured to obtain a pointer to metadata associated with selected content" (Ozer et al. ('631): Page 15, Lines 9-12; Page 17, Line 18 – Page 19, Line 10). Accordingly, it would have been obvious to one having ordinary skill in the art at the time the invention was made so as to modify Horiwitz et al. such that the "metadata is associated with the selected content using a URL in connection with the selected content, and wherein the method further comprises obtaining the metadata using the URL" as taught by Ozer et al. for the purpose of providing a means so as to accurately measure television viewing behavior (Ozer et al.: Col 2, Lines 19-34).

Claim 31 is rejected wherein the "processor is configured to extract the pointer from a vertical blanking interval (VBI) of a signal of the selected content" (Ozer et al. ('631): Page 15, Lines 9-12).

Claim 32 is rejected wherein the "pointer is a URL" and the "processor is further configured to obtain the metadata over the Internet using the URL" (Ozer et al. ('631): Page 15, Lines 9-12; Page 17, Line 18 – Page 19, Line 10).

12. Claim 15 is rejected under 35 U.S.C. 103(a) as being unpatentable over Horiwitz et al. (US Pat No. 6,785,901) in view of Kamen (US Pub No. 2003/0014750 A1).

In consideration of claim 15, the Horiwitz et al. reference discloses the particular provision of the user needing to log onto the system in order to view blocked content. The reference discloses the particular usage of individual profiles associated with individual users (ex. [602/604/606]) and the particular usage of passwords or other identification in order to access programming (Col 11, Lines 39-63). The reference, however, is unclear with respect to the "user information including a username and a password, [and] the user profile being associated with the username". In an analogous art pertaining to the control of access to content, the Kamen reference discloses a method for controlling access to content wherein "user information includes a username and a password [and] the user profile is associated with the username" (Figure 8; Para. [0037] – [0039] and [0046]). Accordingly, it would have been obvious to one having ordinary skill in the art at the time the invention was made so as to modify Horiwitz et al. such that the "user information including a username and a password, the user profile being associated with the username" for the common knowledge purpose of providing an added level of security when logging on to access restricted content

and additionally for the purpose of advantageously providing a method for controlling access to recorded content (Kamen: Para. [0003] – [0005]).

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Scott Beliveau whose telephone number is 571-272-7343. The examiner can normally be reached on Monday-Friday from 8:30 a.m. - 6:00 p.m..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John W. Miller can be reached on 571-272-7353. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Scott Beliveau
Primary Examiner
Art Unit 2623

SEB
August 17, 2006